

MEMBERS PRESENT:

Lisa S. Waukau, Tribal Chairman
Laurie A. Boivin
Randal Chevalier
Myrna R. Warrington
Lynnette A. Miller
Eugene J. Caldwell
Kenneth A. Fish
David A. Miller
Rebecca D. Alegria

1. Call to Order – Roll Call.

Chairman Waukau called the Meeting to order at 5:00 PM. Roll Call was taken with a quorum present.

2. Menominee Prayer.

Legislator Chevalier said the Menominee Prayer.

3. Public Comment Period.

Leslie Teller – Sobriety Pow-Wow and Sexual Predators at Pow-Wow: *“Thank you Tribal Legislator’s, and I thank Legislator Chevalier for the very good prayer, and I respectfully address this body and commend each of you for all of your hard work and the things you do on behalf of the Menominee Nation. All the hard work and efforts, and I never run for Public Office, and it’s gotta be tough you know, but that’s what you do. That’s the road you’ve chosen, and this is the road I’ve chosen is to come and talk to you about the sobriety pow-wow. It’s a blue moon this month, a blue moon, and what’s in a blue moon? Two full moons this month, and this doesn’t happen very often. It brings to mind new medicine, and those dances that were done at that sobriety pow-wow that’s wonderful, and I don’t know whose idea that was, but that was a really good idea to bring the dances back, and have them done there. The swan dance, and others that were performed there, and I think that our ancestors who have come before us and have gone to the next world that they are glad that we do that and we remember them. Those are the oldest dances known to man, are those dances that imitate those animals, and that’s where that comes from. When we start talking about Indian medicine, and we’re bringing those ways back; we’re having an initiative for our language and we’re hearing it spoken more, but we have to remember always too that Indian medicine is different from that of the white man’s medicine, and we have to be careful with it. Fifteen years ago that flag was brought here to this Body, and it’s very symbolic of the eagle watching over us and helping us in that right way. I too, must speak, it is my duty to speak as a woman to protect and to speak for those that don’t have a voice, and that is those children. The children, I’ll be their friend, I’ll be their advocate, that is the road I’ve chosen to walk as a Teacher in this community, and I’ve given my career and years to the Menominee Indian School District as you know. I was glad to see that the pow-wow was held there and that’s a good thing, but now I have to say something that wasn’t so good, and there’s always something that might need to be corrected. That is that there was a person there who is a registered sex offender, and his crime was against a native child. Sexual crimes against children are very complex, and hurtful to our Nation. I know Lynnette that you and others are working for this historical trauma and to bring us healing, and that’s one of the things as a Nation we must begin to look at honestly. When a child has experienced a boundary violation it leads to many problems in life, and we see that alcoholism, addiction, and those are the things that happens to the victim. Who speaks for them? Well I will! I will speak for them, I will be their friend, and I would like this Body to consider in your law making that sexual registered sex offenders do not attend events where children are running free at pow-wows, at events where Tribal dollars are being used. We don’t do that, and I know that if you’re a registered sex offender that you’re supposed to have permission by your Probation Officer to attend an event where there are children. You can’t go to a playground where there are children unless you have permission, and you have supervision. We must acknowledge those laws and abide by them, because if we want the medicine to work we have to advocate for those children who are victims of those crimes, and we want that to be a*

safe place for them. We want the medicine in those good ways to heal them like we know those dances, and those old songs and dances can, we know there's medicine there. Thank you for listening to me, I appreciate that."

Chairman Waukau thanked her for her comments.

Tony Peters Sr. – Woodstoves: *"Housing took the woodstoves out of the houses, and they continue to take the woodstoves out of the houses. Originally I was told that when they took my woodstove out, and I stood up and told them that I didn't want them to take them out. You know I went through some stuff with housing, and so I let them take the stove out, and they said I was gonna get a stove within a couple of weeks, but I still haven't received a stove. I went through three tanks of gas already, and that was \$300 and some dollars a piece. I only get \$800 a month on Social Security. I think that Mel is doing a terrible job over there, she's the one making the decisions, and every time someone tries to talk to her over there she hangs up on them including the gas man the other day. I had a nice big tank from Mohican Gas over there, and housing bought tanks from the Menominee Gas Company and the one they brought me was junk. The guys went to put gas in and it just start spraying all over, and the gas man said the tank was completely junk. The gas man told me to contact Mel and tell her about it right way. I called her, and what did she do? She hung up on me right away, because I was trying to tell her what the gas man said that the tanks were junk, and he can't work on it because his insurance won't cover it. He had to do something to the little value. I ran out of gas the other night, and I have little kids and my house was really cold so we kept warm with electric blankets and heaters. They brought me gas right away the next day. Back to the woodstoves, the other day there was this white man hauling the woodstoves out of our houses, and I confronted this white man and I told him what are you doing stealing woodstoves from our Tribe? He said, no I'm taking it to the dump. I said then why are you putting that in your own personal van, when you got that truck from housing to use for this? I know he took it home, because his house just got fixed up and that was one of the better furnaces that he took out. They say that because my house is getting renovated I ain't getting a woodstove, and my gas furnace it used to be the old one. The guy that installed the furnace I asked him if this is going to heat my house up? He said well it's going to be more efficiency. I told him, I ain't looking for efficiency, I'm looking for something that's going to heat this big four-bedroom house up. Because it has little effect, I have to have my gas up to 76 all the time and it just uses that gas up. My kids and grandchildren came home from California and they like to run around the house without their shoes on, but I had to make my daughter put their shoes on because their feet was pink from the cold. I have cancer, but my cancer is in remission now, but all I'm asking for is if they could stop taking the woodstoves out. I'm asking the Legislature if they could do something about getting the woodstoves back in our houses.*

Chairman Waukau thanked him for his comments. She went on to explain that she and Tony have been talking about this issue, and she did inform him that the high efficiency woodstoves probably wouldn't get put in their homes until early spring. Nevertheless; his family needs some kind of relief on this matter. She asked the Housing Director, Betty Jo Wozniak to move him up on the list so that he can move his family into a warmer house.

Betty Jo Wozniak explained the timelines and the required process of assembling the new furnaces and woodstoves, including the guidelines that she must follow in regards to the funding that they received from the ARRA and the ICDBG funds for the remodeling of these homes. She also stated that they don't have the funding to get everything completed, but they are trying the best they can to expedite the improvements. She also stated that if Tony and his family want to move out that there are certain units available due to certain income levels, but stated she may have one available by next week for him to move into while his home is being renovated. Lastly, Betty Jo asked that everybody living in housing please be patient, and if they need gas, the Housing Department will pay for the gas and create a pay back agreement account for their clients if they need the help with this heating season. She assured that there is absolutely no reason why any family living in housing should be without heat this heating season, and to let her know if you need assistance, because Housing can help.

4. 1ST Consideration of Amendment to Ordinance 08-11, 08-14 – Canceling Recreational Lease Requests.

MOTION BY LAURIE BOIVIN FOR 1ST CONSIDERATION OF AMENDMENT TO ORDINANCE NO. 08-11 AND 08-14 (CANCELING RECREATIONAL LEASE REQUESTS), AND SEND IT TO PUBLIC HEARING ON JANUARY 21, 2010 AT 4:30 P.M. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 9 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

5. 1ST Consideration of Amendment to Ordinance 96-07 – Canceling Program Lease – College of Menominee Nation.

MOTION BY REBECCA ALEGRIA FOR 1ST CONSIDERATION OF AMENDMENT TO ORDINANCE NO. 96-07 CANCELING PROGRAM LEASE, AND MOVE IT TO PUBLIC HEARING ON JANUARY 21, 2010 AT 4:30 P.M. SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 9 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

6. 10-Day Waiver Request(s).

There were no 10-Day Waiver request(s) made at this time.

7. LaMotte Lake Landing Use Agreement between MITW and LaMotte Lake Property Owners Association.

Conservation Director, Walter Cox updated the Legislature on the new landing agreement, and stated that this agreement would benefit the Tribe more than last years agreement due to the 50/50 paybacks. He also stated that this new agreement incorporates a designee to sign for the LaMotte Lake Property Owners Association President, because the President is always out of state.

MOTION BY EUGENE CALDWELL TO APPROVE THE LAMOTTE LAKE LANDING USE AGREEMENT BETWEEN THE MENOMINEE INDIAN TRIBE OF WISCONSIN AND THE LAMOTTE LAKE PROPERTY OWNER'S ASSOCIATION, AND AUTHORIZE THE CHAIRMAN TO SIGN. (APRIL 15, 2010 TO OCTOBER 15, 2010) SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 1 OPPOSED (WARRINGTON), 0 ABSTENTIONS, AND 0 ABSENT.

PLEASE NOTE: Legislator Warrington qualified her opposition as follows: *"You're allowing non-Tribal members to use Tribal land and that's a violation of the Tribal Constitution."*

8. Bid Recommendation for Housing Mold Assessment and Sampling – Brett Hoffman.

Housing Director, Betty Jo Wozniak requested that the Legislature deny the recommendation from the Bid Evaluation Team members, because the recommended Bidder from California, and they only have experience with asbestos, and not mold remediation in cold weather climates.

Legislator Caldwell stated that the Bid Evaluation Team should have evaluated this bid correctly, and it should have come to the Legislature correctly. He also suggested the Bid Evaluation Team members receive training in regards to making bid evaluations to prevent this in the future.

MOTION BY REBECCA ALEGRIA TO AWARD THE HOUSING MOLD ASSESSMENT AND SAMPLING SERVICES BID TO ROCK ISLAND ENVIRONMENTAL SERVICES IN THE AMOUNT OF \$94,831.00. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

9. Approve Chairman Waukau to send letter to Congressman Kagen regarding Bill H. R. 2523.

Legislator Warrington stated that when she attended the last M.A.S.T. meeting on December 2 & 3, 2009, in her Time on Task report she mentioned that Brian Pierson of Godfrey and Kahn gave a presentation on current issues related to the passage of Bill H.R. 2523, which would allow Tribes to do their own leasing without getting BIA approval.

MOTION BY MYRNA WARRINGTON THAT THE CHAIRMAN SEND A LETTER TO CONGRESSMAN STEVE KAGEN ASKING HIM TO SUPPORT THIS BILL FOR OUR OWN RECORDS OFFICE FOR LEASES AND NOT HAVE TO GO THROUGH THE BIA RECORDS OFFICE. (H.R. 2523 BILL.) SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

Legislator Boivin thanked Legislator Warrington on her excellent report on this M.A.S.T. Winter meeting, it was submitted in a very good format, and it's the first real formal report that she's seen come out of M.A.S.T, and to bring back that recommendation.

Legislator Fish requested to comment for the record that he should re-visit some of the reports that he submitted in the past when he attended M.A.S.T.

10. Resolution No. 09-__ Neopit Lagoon Variance Request for Tribal Groundwater Ordinance 87-28.

MOTION BY MYRNA WARRINGTON TO APPROVE MENOMINEE TRIBAL LEGISLATURE TRIBAL RESOLUTION NO. 09-84 NEOPIT LAGOON VARIANCE REQUEST FOR TRIBAL GROUNDWATER ORDINANCE 87-28, WAIVE THE READING, AND APPROVE THE CHAIR AND SECRETARY TO SIGN. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

11. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

MOTION BY LAURIE BOIVIN TO ENTERTAIN THE FOLLOWING UNDER "OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:" – 1) ADD ECONOMIC DEVELOPER TO AGENDA UNDER EXECUTIVE SESSION (A) LEGAL (2); & 2) SET INTERVIEW DATE FOR SELECTION OF LOWER COURT JUDGE. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 6 FOR, 2 OPPOSED (CALDWELL & D. MILLER), 0 ABSTENTIONS, AND 0 ABSENT.

PLEASE NOTE: Legislator Caldwell qualified his opposition as follows: "I believe # 3 should have been added."

Legislator D. Miller qualified his opposition as follows: "I felt too that the Conservation issue should have been added too."

1) Add Economic Developer to Agenda Under Executive Session (A) Legal (2); &

This issue will be taken up in Executive Session.

2) Set Interview Date for Selection of Lower Court Judge.

MOTION BY DAVID MILLER TO SET JANUARY 28, 2010 AT 4:30 P.M. FOR THE LOWER COURT JUDGE SELECTION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

12. 1ST Consideration of Ordinance No. 09-27 College of Menominee Program Lease Request.

MOTION BY LAURIE BOIVIN FOR 1ST CONSIDERATION OF ORDINANCE NO. 09-27 PROGRAM LEASE REQUESTS, AND SEND IT TO PUBLIC HEARING ON JANUARY 21, 2010 AT 4:30 P.M. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 9 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

13. 1ST Consideration of Ordinance No. 09-27 Recreational Lease Requests.

MOTION BY EUGENE CALDWELL THAT WE SEND 1ST CONSIDERATION OF ORDINANCE NO. 09-28 RECREATIONAL LEASE REQUESTS TO PUBLIC HEARING AT 4:30 P.M. ON JANUARY 21, 2010. SECOND WAS MADE BY LAURIE BOIVIN. THE MOTION CARRIED: 9 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

14. 1ST Consideration of Ordinance No. 09-___ Tribal Clinic's Fiscal Year 2010 Budget.

MOTION BY LYNNETTE MILLER TO APPROVE 1ST CONSIDERATION OF MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE ORDINANCE NO. 09-29 FISCAL YEAR 2010 MENOMINEE TRIBAL CLINIC THIRD – PARTY REVENUE APPROPRIATION, AND SEND IT TO PUBLIC HEARING ON JANUARY 21, 2010 AT 4:30 P.M. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 1 ABSTENTION (BOIVIN), AND 0 ABSENT.

PLEASE NOTE: Legislator Boivin qualified her abstention as follows: “Due to employment.”

15. Travel Authorization Requests.

MOTION BY RANDAL CHEVALIER FOR APPROVAL OF TRAVEL AUTHORIZATION REQUESTS FOR CHAIRMAN LISA WAUKAU TO ATTEND THE GLITC ANNUAL BOARD MEETING ON THURSDAY, JANUARY 21, 2010 IN LAC DU FLAMBEAU, WISCONSIN. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

16. Committee Reports & Recommendations:

a. Community Development Committee of December 14, 2009.

i. Permission to use Woodland Bowl.

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE OF DECEMBER 14, 2009 TO RECOMMEND TO THE LEGISLATURE TO ALLOW CAROL SKENADORE TO UTILIZE THE WOODLAND BOWL ON JULY 17, 2011 WITH THE ADDITION OF THE UPDATE TO ARTICLE V – STATING “NO DRUG USE.” NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

ii. Request Approval for Program Lease Cancellation for CMN.

MOOT – Previously taken up under agenda item number 5.

iii. Request Approval of Program Lease for CMN.

MOOT – Previously taken up under agenda item number 12.

iv. Request Approval to Cancel Recreational Lease.

MOOT – Previously taken up under agenda item number 4.

v. Request Approval for Recreational Lease Request.

MOOT – Previously taken up under agenda item number 13.

b. Health and Family Committee of December 15, 2009.

i. Approval of Menominee Tribal Clinic 3RD Party Budget.

MOOT – Previously taken up under agenda item number 14.

ii. Approval of Active and Medical Staff for a Two Year Period.

MOTION BY DAVID MILLER TO CONCUR WITH THE HEALTH AND FAMILY COMMITTEE OF DECEMBER 15, 2009 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO

APPROVE THE ACTIVE AND COURTESY MEDICAL STAFF AS LISTED. (REAPPOINTMENT OF AMY SLAGLE, MD; BENJAMIN CRENSHAW, MD; KATHERINE MARIENFELD, MD; MICHAEL CARLSON, DDS; JOHN GREIERT, DDS; ROBERT CHELBERG, OD; AND ROGER BARR, MS TO ACTIVE MEDICAL STAFF; AND MICHAEL O'NEILL, MD; AND WILLIAM FLETCHER, MD TO COURTESY MEDICAL STAFF.) NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 1 ABSTENTION (BOIVIN) AND 0 ABSENT.

PLEASE NOTE: Legislator Boivin qualified her abstention as follows: "Place of employment."

17. As per LRP 5.03 – EXECUTIVE SESSION: (A) Legal – 1) Discussion 638 Contracts - (B) Personnel – (C) Gaming – 1) Gaming Waiver.

MOTION BY EUGENE CALDWELL TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

*****EXECUTIVE SESSION WAS NOT RECORDED*****

MOTION BY LYNNETTE MILLER TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

(A) Legal

1) Discussion on 638 Contracts –

MOTION BY EUGENE CALDWELL THAT THE CHAIRMAN SEND A LETTER TO THE BIA REGIONAL OFFICE THAT THE TRIBE DOES NOT WISH TO PERMIT MTE TO CONTRACT DIRECTLY WITH THE BUREAU, AND COURTESY COPY (CC) THE MTE CHAIRMAN AND BOARD OF DIRECTOR'S. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 2 ABSTENTIONS (L. MILLER & WARRINGTON, AND 0 ABSENT.

PLEASE NOTE: Legislator's L. Miller and Warrington did not qualify their abstentions.

2) Economic Developer;

PROPRIETARY MOTION MADE BY EUGENE CALDWELL. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

(B) Personnel –

There was no motion made after coming out of Executive Session.

(C) Gaming

1) Gaming Waiver.

MOTION BY MYRNA WARRINGTON TO GRANT THE GAMING WAIVER REQUEST. (BRYAN S. LEPSCHER SR. – D.O.B. 3/27/57). SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 3 ABSTENTIONS (BOIVIN, CHEVALIER, & L. MILLER), AND 0 ABSENT.

PLEASE NOTE: Legislator's Boivin, Chevalier, and L. Miller did not qualify their abstentions.

18. Adjournment.

**MOTION BY EUGENE CALDWELL/LYNNETTE MILLER TO ADJOURN. THE MOTION CARRIED:
8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

Meeting adjourned at 8:10 P.M.

Respectfully submitted by;

A handwritten signature in cursive script that reads "Debra A. Bowman".

Debra A. Bowman, Recorder/Transcriber
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE